

GOVERNMENT OF ANDHRA PRADESH

ABSTRACT

Revision Petition - Filed by Sri P. Babu Rao, Yarnagudem Village, Devarapalli Mandal, West Godavari District, on behalf of the Yernagudem Gram Panchayat against the proceedings of District Panchayat Officer, West Godavari District - Stay granted - Vacated - Revision Petition disposed - Orders - Issued.

-----  
PANCHAYAT RAJ AND RURAL DEVELOPMENT (PTS.II) DEPARTMENT

**G.O. Rt No.1445**

**Dated: 25-09-2008.**

**Read the following:**

1. Revision Petition from Sri P. Babu Rao, Yarnagudem Village, Devarapalli Mandal, West Godavari District, Revision Petition Dt. 27-07-2007.
2. Govt. Memo.No. 18931/PTS-II/A1/2007-1, dt. 08-08-2007, P.R. & R.D. (PTS-II) Deptt.
3. From the District Panchayat Officer, West Godavari District, Roc.No. 4047/2007/04(PTS), dt. 16-08-2007.
4. Govt. Memo.No. 18931/PTS-II/A1/2007-4, dt. 28-08-2007, P.R. & R.D. (PTS-II) Deptt
5. W.P.M.P.No. 3205 of 2008 in W.P.No. 2493 of 2008 of A.P. High Court, dt. 08-02-2008.
6. W.P.No. 3328 of 2008 of A.P. High Court, dt. 01-05-2008.
7. From the Joint Collector, West Godavari District, Roc.No. 4047/2006/A4-PTS., dt. 05-06-2008.

>><<

**ORDER:**

In the reference 1<sup>st</sup> read above, Sri P. Babu Rao, Sarpanch, Yernagudem Village, Devarapalli Mandal, West Godavari District, has filed Revision Petition before Government against the Proceedings of District Panchayat Officer, No. 4047/2007/A(4)(Pts), dt. 30-06-2007 and requested the Government to stay the operation of the orders pending the Revision Petition to the following grounds:-

- i) No notice or no opportunity is given to the petitioner and passed the impugned order which is against the well settled principles of law and principles of natural justice.
  - ii) The DPO gravely erred in directing the 3<sup>rd</sup> respondent to issue No Objection Certificate to the 2<sup>nd</sup> respondent for construction of IBP Consumer outlet and Diesel Bunk in the premises of 2<sup>nd</sup> respondent without considering the danger impact and its effect on the surrounding villagers by ignoring the objections submitted by the members of the petitioners villagers.
- 2) After considering the Revision Petition Govt., have issued stay vide reference 2<sup>nd</sup> read above on the Proceedings of District Panchayat Officer, West Godavari District and called for the report along with records.
- 3) The case was heard on 23-08-07. Both parties attended hearing. During hearing it has been observed that the establishment of Petroleum Bunk in the middle of the village is posing a threat and danger to the lives of inmates of welfare hostel, temple

P.T.O.

and Market and therefore Government has instructed to the District Collector (PW), West Godavari District that the proposed site may be inspected by the Joint Collector, West Godavari District and submit a detailed report after obtaining the public opinion including the members of Gram Panchayat and submit along with his considered views on the desirability of permitting the HSD Bunk in the proposed site or otherwise of desirability of locating the said Bunk in any other alternative land which is faraway to the residential location.

4) The Joint Collector (PW), West Godavari District who has inspected the site and Enquiry Officer has reported that the Gram Panchayat, Yernagudem has issued rejecting NOC for HSD bunk in its resolution No. 14, dated. 05-06-2007 in the premises of Venugopala Primary Agriculture Cooperative Society, Yeranagudem, Devarapalli Mandal of West Godavari District. The society made an appeal before the District Panchayat Officer, for establishment of Petrol Bunk on the Gram Panchayat Resolution. The District Panchayat Officer has permitted to the Secretary, Gram Panchayat to give permission to establish HSD Bunk in the premises of the Society. He conducted open hearing with the Sarpanch, Ward members, PAC president and other public. He inspected the site in question on 26-12-07 along with the District Panchayat Officer, Revenue Divisional Officer, Kovvur, Divisional Panchayat Officer, Kovvur, Extension Officer, PR & RD Devarapalli Sarpanch, Panchayat Secretary and members of Yernagudem Gram Panchayat and other public. During the public hearing the Sarpanch, Upa Sarpanch and certain Villagers have stated that there are tobacco barons market, temple, Veterinary Hospital, Government Dispensary, ST Women's Hostel and Panchayat OHSR near the proposed bunk and stated that if the bunk is established there is endanger to public especially during tobacco curing season due to emanation of heat from 106 to 108. Sri N. Rajendra Babu, Chairman, AMC, Gopalapuram has stated that the proposed bunk may be established elsewhere at a far of place instead of the proposed site in view of public safety.

5) Whereas Sri M. Janardhana Rao, 13<sup>th</sup> Ward Member, Sri B. Bharat Babu, 12<sup>th</sup> Ward Member, and certain M.P.T.Cs., and some Villagers have stated that the existing petrol bunk situated in the outskirts of the village which is at distance of 2 KM is not supplying the POL sufficiently and the bunk owner is the brother of the Sarpanch and the Sarpanch with an intention to favour the business of his brother along with his supporters raising objections for establishing the proposed diesel bunk. They have also stated that the formers are suffering a lot due to inadequate supply.

6) Sri Alapati Viswanadham has stated that the owners of the Petrol bunk are immodestly and adamantly replying with the formers and villagers. They have added that in towns the POL bunks are established nearby houses and the objection raised by the Sarpanch and his supporters is only due to safeguard the business of his relatives and due to political differences.

7) The Joint Collector has further reported that he has requested the District Fire Officer on the fire safety aspects and public safety. The District Fire Officer has stated that he personally inspected the proposed site for installation of HSD Bunk within the premises of Sri Venugopala Primary Agricultural Cooperative Society, Yernagudem and stated that as the site is conforming to the Rule 105, 4<sup>th</sup> Schedule, Table B-2 of the Petroleum Rules, 2002, there is no objection from Fire Service Point of view subject to the compliance of the following conditions in addition to the conditions specified in the NOC issued earlier by letter dated 28-04-07 for installation of HSD Bunk with storage capacity of 20KL HSD underground storage tank.

p.t.o.

::3::

8) The Joint Collector has therefore stated that as per the latest report of the District Fire Officer, W.G., Eluru there is no objection to accord permission subject to conditions suggested by the Fire Officer. He has further reported that the RDO, Kovvur, Superintendent of Police, West Godavari, Eluru, District Fire Officer, West Godavari and E.E., R & B issued no objection certificates.

9) Finally, the Joint Collector has reported that based on the public enquiry conducted and opinion of the Ward Members and other public and also inspection of the District Fire Officer, since the bunk is intended to supply diesel to the formers by the Agricultural Cooperative Society which is a quasi Government Organization and he opined that there is no objection to issue no objection certificate for the installation of the bunk by Agricultural Cooperative Society subject to the fulfillment of all the Fire safety measures suggested by the District Fire Officer.

10) In the reference 5<sup>th</sup> read above, the Hon'ble A.P. High Court has granted interim stay and issued notices.

11) In the reference 6<sup>th</sup> read above the Hon'ble A. P. High Court while disposing the W.P.No. 3328 of 2008 has directed to decide the case within a period of eight weeks from the date of receipt of a copy of the order.

12) The case was heard again on 04-08-2008. Both parties attended hearing.

13) Government have gone through the records and also the averments made in the Revision Petition as well as written statements filed and arguments adduced during the hearing. The inspection report of the Joint Collector and the certificates issued by the District Fire Officer reveals that the establishment of Petrol Bunk in the proposed premises subject to the conditions suggested by the Fire Officer is no way detrimental to the Public life of the village. The objections raised by the Petitioner appear to be not convincing in view of the findings of Joint Collector's inspection report and evidence gathered during public hearing and finding no valid grounds to interfere with the impugned proceedings. However, keeping in view of several objections raised the Joint Collector must ensure that all the conditions stipulated by the Fire Officer are fully carried out while establishing the Petrol Bunk in the proposed premises of the village keeping in view of the safety to public life. The stay orders granted vide reference 2<sup>nd</sup> read above heard and vacated the Revision Petition is disposed off accordingly.

14) The District Collector, (PW), West Godavari District is requested to take necessary action accordingly.

(BY ORDER AND IN THE NAME OF THE GOVERNOR OF ANDHRA PRADESH)

CHITRA RAMCHANDRAN  
SECRETARY TO GOVERNMENT

To

The Collector (PW), West Godavari District, Eluru

Copy to:

The Commissioner, PR & RE, Hyderabad.

The District Panchayat Officer, West Godavari District, Eluru.

Sri P. Babu Rao, Sarpanch, Yernagudem village of

Deverapalli Mandal of West Godavari District  
Sf/Sc.

//Forwarded by Order //

SECTION OFFICER